



# TOWN OF WATERTOWN

## Zoning Board of Appeals

Administration Building  
149 Main Street  
WATERTOWN, MASSACHUSETTS 02472

Melissa M. SantucciRozzi, Chairperson  
David Ferris, Clerk  
Christopher H. Heep, Member  
Kelly Donato, Member  
Michael E. Brangwynne, Alternate  
Francis Goyes Flor, Alternate

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Joshua Manion, Zoning Clerk

### MINUTES

On Wednesday evening, May 27, 2020 at 7:00 p.m. the Zoning Board of Appeals held a public hearing in accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20. Due to the 2020 COVID-19 emergency and to avoid group congregation, the meeting included remote access with public participation through WCA TV (Watertown Cable Access Television) and during the meeting, utilizing virtual meeting software for remote access.

In attendance: Melissa M. SantucciRozzi, *Chair*; David Ferris, *Clerk*; Kelly Donato, *Member*; Michael Brangwynne, *Alternate Member*; Francis Goyes Flor, *Alternate Member*. Also, Present: Mike Mena, *Zoning Enforcement Officer*; Gideon Schreiber, *Senior Planner*; Absent: Christopher Heep, *Member*

Chair SantucciRozzi opened the meeting, introduced the staff and members and announced the cases that will be heard in this meeting: the applicant for 52-54 Channing Road requested approval to withdraw their appeal, and the case regarding 735 Mt. Auburn St. would be presented.

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Member Ferris motioned to table the approval of the Minutes for the April 22, 2020 meeting. Motion was seconded by Member Brangwynne. The Board approved this motion by way of roll call vote, 5-0 with Members Ferris, Donato, Flor, Brangwynne, and Chair SantucciRozzi voting in favor.

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Member Ferris motioned to grant the petitioner's request to withdraw the appeal regarding 52-54 Channing Rd. Member Donato seconded the motion. The Board approved this motion by way of roll call vote (5-0), with Members Ferris, Donato, Flor, Brangwynne, and Chair SantucciRozzi voting in favor.

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Chair SantucciRozzi introduced the next item on the agenda, an application for a Special Permit Finding regarding 735 Mt. Auburn St.

Member Ferris then read the legal notice: "735 Mt. Auburn Street - Brendan Kelly, Kelly Land Trust, Inc., 81 Marlboro Street, Belmont, MA 02478 requests the Zoning Board of Appeals grant a Special Permit Finding in accordance with Watertown Zoning Ordinance §4.06(a)(e) Non-Conforming Uses, to allow the change from a non-conforming auto garage use to a nonconforming commercial office use. Located in the T (Two-Family) Zoning District. ZBA-2020-05"

Attorney Leitner, representing the petitioner Kelly Land Trust, presented the details of the proposal and expounded on the history of the site in question. Attorney Leitner stated that the property has been rezoned several times over the years, but always remained a commercial property. He also noted that applications to transform the site into a restaurant had been denied, indicating that the surrounding community is not comfortable with a significant change in use.

Attorney Leitner explained that the applicant's intention for the property would not substantially impact on the surrounding neighborhood. He detailed the parking plans for the vehicles that would be kept on site, as well as provisions to minimize the impact of light and sound on the surrounding neighborhood.

Chair SantucciRozzi opened up discussion to the Board members for questions and comments related to the proposal.

The Board expressed a number of concerns about the utilization of parking spaces on the site, in addition to questions about the servicing and maintenance of commercial vehicles for the applicant's business.

Member Brangwynne asked for specifics regarding the vehicles the petitioner intends to park on site, Attorney Leitner specified that three (3) pickup trucks and one (1) passenger vehicle (a Jeep) would regularly be using the parking spaces. The Chair pointed out that on the site plan, the parking spaces appear to be divided into eight (8) spaces, rather than the four (4) spaces being discussed by the Board. Chair SantucciRozzi expressed that she was not comfortable with the spaces as shown on the plan, and wanted to preclude the possibility of the parking spaces on site used as 'tandem parking'. Member Donato echoed the Chair's concerns, and the Board agreed that the parking spaces should be limited to four (4) larger spaces, with each space to be occupied by one vehicle and/or trailer at a time.

The petitioner has two (2) trailers that would be kept on site; one trailer is 'open' and one is 'closed'. The Chair asked for additional clarification about the trailers, and Attorney Leitner further clarified that equipment would be stored in both trailers. The Board qualified use of the trailers on the condition that the open trailer be stored inside the building after close of business hours. The Board further deliberated on the general storage concerns for the site, with the Chair pointing out that the planning board report expressly prohibits storage of any kind on site, and that this language would need to be amended to permit storage of general landscaping equipment and tools inside the building. The Board agreed that no material (mulch, pine straw, earth, etc.) will be permitted to be stored on site.

Member Donato and Member Ferris both questioned the petitioner about the snow plows that would be attached to the trucks in the winter. Member Donato asked specifically if the parking spaces were wide enough to accommodate the plow attachments, Attorney Leitner gave the dimensions of the plows as 7.5' and the parking spaces as 8'. Member Ferris suggested that the plows be attached off-site to avoid disturbing the neighbors, Attorney Leitner stated that the petitioner's original intention was to affix the plows offsite so that would be no problem.

Member Donato requested more details about the petitioner's plan for snow removal in the winter, noting that the site does not appear to have enough room to store cleared snow. Attorney Leitner explained that the petitioner has an offsite location to store cleared snow. The Chair suggested that snow removal to an offsite location be added as a condition.

Member Ferris raised questions about the landscaping plans for the site; what would the visibility of the site be from adjacent properties, are there plans to resurface the parking lot, what would the full height of the vegetation be, etc. Attorney Leitner described the specifications of some of the intended

landscaping and stated that the petitioner has no intention of resurfacing the parking area. The Chair added on to Member Ferris' concerns, saying that aesthetic green space and screening would be a valuable addition to the property so long as vegetation does not obstruct sight-lines for vehicles leaving or coming into the site. They discussed the concerns of an abutter who did not want the trees planted along the rear lot line to obstruct his view of Mt. Auburn St., and the Board made this a condition.

The Board also requested details concerning the waste removal plans for the site, i.e. how frequent would trash pickups be, how much waste would be generated by the business activity taking place on site, and what sort of waste would be created. The petitioner's Attorney reiterated that the building on site would be used only as an office space, with 1 – 2 employees, and as such the trash generated would be minimal and low impact. The Chair proposed that trash pickups scheduled weekly to cut down on potential odors, and that pickups be strictly during regular business hours to minimize impact on the surrounding community. The Chair also made clear that no landscaping materials or equipment be stored in the trash area, proposing this as a condition to approval.

Member Ferris inquired about the petitioner's business operating hours; specifically, as to when the crews would be arriving on site for work and when would they be starting up the aforementioned trucks, noting that the adjacent house appears to have bedroom windows overlooking the site. Attorney Leitner stated the petitioner had planned for the crews to arrive and begin the work day around 7 - 7:30am, and return to the site around 5 – 5:30pm. The Chair stated that she did not want the situation devolving into one in which the crews arrive earlier than 7am and create a disturbance in the neighborhood, particularly during the weekends. The Chair proposed a weekend start time of no earlier than 8am, Attorney Leitner requested the weekend start time be 7:30am but the Board favored an explicit 8am start time for weekends. Additionally, the Board discussed use of the site on Sundays and determined that the petitioner would only be permitted to access the site on Sundays in the event of a snow emergency, and should conclude business activities by 3pm. The Board settled on the operating hours of the business as: 7am – 5pm Monday through Friday, 8am – 3pm Saturday, and 8am – 3pm Sunday for snow events only.

Once the Board was finished with their deliberations, the Chair opened discussion up to the public for comment. No members of the public were in attendance through 'Zoom', so the Chair turned to staff to read out public comments submitted via email. One comment from Town Council Member Kounelis was against granting approval of the petition, arguing that the proposed use was not an asset to the community and a significant alteration of the site's past use. Specifically, the Council Member was concerned about a large dump-type truck being used on site, to which Attorney Leitner responded that the petitioner had no such plans to use that type or size vehicle.

The Chair closed the public portion of the meeting and moved discussion into the enumeration of conditions of approval for the proposal, which are as follows: the parking plan must be revised on the official site plan to show only four (4) spaces where there once was eight (8); landscaping along School St. should be as green and full as possible to provide a pleasing aesthetic while respecting sight lines and public ways; the building's downspouts will be extended to direct drainage toward pervious pavers in the back of the site; no more than four (4) trucks and (2) trailers are permitted to be parked on site and equipment may be stored in the trailers, provided that the open trailer be kept inside the building at night; storage of fuel and oil for landscaping equipment will be regulated by the appropriate bodies and it is the petitioner's responsibility to ensure compliance; waste removal will occur on a weekly schedule and no landscaping material of any kind will be kept in the trash area; all snow must be removed from the site; noise will be regulated by existing noise ordinances, and trucks will be backed in to their spaces at night to preclude the back-up alarms sounding in the mornings; there will be no exterior displays for sale, washing, or maintenance of any kind permitted on site; washing of commercial vehicles is not

permitted; and the only lighting fixture that can be added is the one above the front door to the building as shown on the petitioner's plans, otherwise they must come back before the Board for approval.

Member Ferris motioned to approve the Special Permit Finding for 735 Mt. Auburn St. allowing a change in non-conforming use, with conditions. Member Donato seconded the motion. Motion passed by roll call vote, 5-0, with Members Ferris, Donato, Flor, Brangwynne, and Chair SantucciRozzi voting in favor. Approved with conditions.

The Chair concludes the meeting, and a motion to adjourn was made by Member Ferris, seconded by Member Brangwynne and approved unanimously by the Board.